

**DRAFT COUNCIL MEETING TRANSCRIPTS**  
**264<sup>th</sup> Emergency Session of the**  
**Pacific Fishery Management Council**  
**January 21, 2022**  
Online Meeting due to the COVID-19 Pandemic

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## Meeting Transcript Summary

Verbatim transcripts of Council Actions are available on the Council website. The transcripts may be accessed at <https://www.pcouncil.org/council-meetings/previous-meetings/>.

To listen to the meeting, recordings can be accessed through YouTube at <https://www.youtube.com/watch?v=GOfpLNkC6A>.

## **A. Call to Order**

### 3. Agenda

**Marc Gorelnik** [00:00:00] We have an agenda before us. I will see if there are any proposed additions to the agenda or a motion to approve the agenda and I'll look for a hand for either? Pete Hassemer, please.

**Pete Hassemer** [00:00:22] Thank you Mr. Chair. I move that we approve the agenda as printed in Agenda Item A.3, the agenda for this meeting. Thank you.

**Marc Gorelnik** [00:00:38] Thank you very much. Is there a second to this motion? Seconded by Bob Dooley. Do you wish to speak to this motion at all Pete?

**Pete Hassemer** [00:00:47] No.

**Marc Gorelnik** [00:00:47] Is there any discussion on the motion or any amendments? Not seeing any hands I'll call the question. All those in favor say 'aye'.

**Council** [00:00:58] Aye.

**Marc Gorelnik** [00:00:58] Opposed, no? Abstentions? The motion passes unanimously. So, we now have an agenda. Thank you.

## B. SALMON MANAGEMENT

1. Southern Oregon / Northern California Coast (SONCC) Coho Harvest Control Rule – Final Action

**Brad Pettinger** [00:00:00] So that would take us to Council action. On the screen before you is what we have before us and so entertain some discussion. Chair Gorelnik. Marc.

**Marc Gorelnik** [00:00:20] Yeah, now that we're in council discussion. So, I know that there's going to be some motions coming forward on, you know, on this agenda item. I just wanted to emphasize for the Council that chinook fisheries in California can and could be restricted by the outputs of the coho FRAM model that does not take into account, apparently, I don't know all the details, but this is something that I would like to ensure that it gets looked at thoroughly. One does not take into account fully the lack of a coho fishery in California because all the base data is back from when there was a coho fishery here, which as the report indicates, has been decades in the past. Secondly, my understanding from speaking to folks who know about the coho FRAM is that impacts on any particular coho stock are influenced by two factors; one obviously effort, but the other is the proportion of that stock amongst the other coho stocks. And so speaking specifically to SONCC coho, when there are a lot of other coho around, that tends to drive impact rates down, which is intuitive and makes sense. The problem is that it doesn't look at, well and I assume the premise to that is your likelihood of intercepting one of that stock is reduced as it forms a smaller proportion of the overall mixed stock fishery. The problem is it doesn't take into account the existence of chinook, which are also present in this mixed stock fishery and in California, where we do not target or retain coho, we will see SONCC coho impacts increase counterintuitively when there are more chinook, and that, you know, maybe that's justifiable, but it is counterintuitive and it's something that I would like to see the STT and the Model Evaluation Workshop look into that. So basically, two points; one, are we fully taking into account the lack of a cohesive fishery, the lack of targeting in ocean fisheries, and two, are we fully taking into account the proportion of the SONCC coho stock in this larger mixed stock fishery which should, in my view anyway, include all salmonids that may be encountered. So, I just throw that out there for discussion now or just lay a marker down for later when it comes time perhaps for a motion.

**Brad Pettinger** [00:03:36] Thank you Marc. So, I saw a hand up there for a second, Chris's, but it's down now, so Ryan Wulff. Ryan.

**Ryan Wulff** [00:03:48] Yeah, thanks Mr. Vice Chair. I just kind of wonder how on a process perspective how do you want to handle this? I appreciate the points just raised by Chair Gorelnik. I do think some discussion or any potential actions or directions to the STT is something worthy of discussion here, but we also have a number of other actions and you've got listed here and I do have some comments on a number of the reports that have been presented and in particular on what a new harvest control rule might look like, but of course I'm wondering if it's more relevant to try and address the first bullet here as currently we have an existing action and therefore I'm not sure if you want to address that issue first before we start discussing what a potential alternate action might be.

**Brad Pettinger** [00:04:41] Ryan, I think that Chris has his hand up below you there and I think that he may take care of that. Chris?

**Chris Kern** [00:04:49] Well, I guess I would ask if there's more to, you know, before I go down that road, if there's some discussion relative to Mr. Wulff's point necessary before some action is tabled?

**Brad Pettinger** [00:05:04] I mean it's... I just open the floor for people to get their thoughts out now and then before we go through it but I personally will do what the Council wants to go to. I see Marci

has here, had her hand up below you but now Marc does, so I would say that before you move forward here, Marc, do you have something to add?

**Marc Gorelnik** [00:05:26] Yeah, I was just going to say I think that what Ryan was alluding to is that before we can have a meaningful discussion on new, on a new harvest control rule we need to clear the decks of the old harvest control rule that was adopted in November. I think that's what Mr. Wulff was referring to...

**Brad Pettinger** [00:05:47] Gotcha...

**Marc Gorelnik** [00:05:47] So I think that it probably is appropriate if someone wants to offer a motion in that regard.

**Brad Pettinger** [00:05:53] Okay which I, it looks like Chris is potentially was going to do, so Chris.

**Chris Kern** [00:05:58] Yeah, thanks Mr. Vice Chair. And if the discussion on that particular aspect is sufficient for now, I would offer a motion.

**Brad Pettinger** [00:06:11] Okay.

**Chris Kern** [00:06:11] And I have not sent it in writing but I believe it's simple enough that, I apologize for that Sandra and Kris, but I move to rescind the action adopted by the Council under Agenda F.3 at its November 2021 meeting.

**Brad Pettinger** [00:06:35] I'm assuming.....ah, there we go. Okay Chris, does the language on the screen accurately reflect your motion?

**Chris Kern** [00:06:46] It does, with the exception I think we should specify under Agenda Item F.3.

**Brad Pettinger** [00:06:51] Okay, there we go.

**Chris Kern** [00:06:57] That accurately reflects my motion.

**Brad Pettinger** [00:07:00] Okay, and I see Virgil Moore's hand came up below Marc's, so I assume that's the second, I believe. Okay. Okay Chris, you want to speak to your motion?

**Chris Kern** [00:07:16] Very briefly, I think we've talked about this a fair bit. The reason for rescinding it so that we can clear the decks and begin discussion on an alternative. I'm not going to belabor that so no, I don't have a lot to say. Thanks.....on that.

**Brad Pettinger** [00:07:30] Very good. Thank you Chris. Further discussion? Okay I'll call for the question. All those in favor signify by saying 'aye'.

**Council** [00:07:47] Aye.

**Brad Pettinger** [00:07:47] Opposed? Abstentions? Okay the motion passes unanimously. And with that the decks are cleared and so I'll entertain discussion. Joe Oatman. Joe.

**Joe Oatman** [00:08:02] Yeah, thank you Mr. Vice Chair. Now that the deck has been cleared, I did want to inform the Council that I do have a tribal motion. I know previous to clearing the decks there was a comment regarding, you know, consideration of what a potential new harvest control rule might

be and I'll have something to offer in that regard.

**Brad Pettinger** [00:08:37] Okay, thank you Joe. Well, I guess the floor is open, so I guess if you want to go straight to that we can, sure. I see a second.....my balance is a little off here. Phil, I've seen your hand come up there a couple of times.

**Phil Anderson** [00:08:55] Yeah, well I'm just, I know prior to Mr. Oatman's comments about having a motion to put before the Council, Mr. Wulff indicated that he had some comments to make, and I thought his intent was to make those prior to a motion being tabled for consideration so I just pointed out that.

**Brad Pettinger** [00:09:29] Good point. Okay, fair enough then. My apologies. With that, Ryan?

**Ryan Wulff** [00:09:35] Yeah, thank you Mr. Vice Chair and thanks Phil. I didn't get my hand back up fast enough. I did want to offer some remarks to facilitate discussion hopefully before we got to motions here, so I appreciate the opportunity to do so. So, appreciate the discussion that we've had this morning and all the various reports. I don't think it will be any surprise NMFS's view on this subject, but I wanted to offer a number of things. I mean, we have over several Council meetings highlighted this ESU's poor stock status, its declining abundance, its poor outlook in the foreseeable future, and SONCC coho salmon stocks are generally in poorer status relative to other coastal coho populations. Monitoring is limited on the majority of the ESU, which results in limited and highly uncertain data on which to assess risk to survival and recovery. The limited data and the greater uncertainty indicate a precautionary approach for the management of SONCC coho is warranted. Although the data are limited, the working group assessment we believe represents the best available science at this time to guide us in assessing risk while minimizing adverse impacts on the fisheries and exercise of tribal fishing, and that's our collective foundational approach. NMFS disagrees that the working group risk assessment provides an excessively poor assumption of productivity. Three of the four combinations of models and fitting procedures that the working group assess for the Trinity River in its assessment resulted in an estimate of productivity of less than one. Only one of the four had the productivity of one. Couple that with the data suggesting that production is below replacement in all but one year, it does not support use of the Bayesian Beverton-Holt estimate of productivity. And my understanding is that's why the working group chose the model it did. So, I'm looking at the science represented in the Working Group report, considering the risk to the various populations in the ESU given their status, roles, and recovery and the standards used in the ESA fishery consultations for similar coho ESU's. NMFS's view is that the Council action here should not appreciably increase the risk to that ESU. And as we stated before, based on those considerations, we feel the Working Group risk assessment indicates that harvest control rules above 15 percent total exploitation rate would pose increased risk to the populations assessed in the report. Furthermore, a total exploitation rate of 15 percent is consistent with ESA risk tolerance for other complex ESU's like Lower Columbia River coho, where we have accepted a similar level of increase in risk from no fishing, and therefore if you're applying similar standards here would be justified. It also represents the status quo average exploitation rate on the Trinity population, which has the highest harvest rates, so in other words it doesn't increase the rate to the stock. Where we have difficulty is justifying increased risk to the ESU given this poor status and limited data availability. And 17 percent represents a 20 percent increase in extinction risk compared with zero percent fishing compared with a 15 percent total exploitation rate, that is 17 compared to 15, it represents a further reduction in escapement for a population that already has one of the lowest productivities in the ESU and for which total escapement in recent years has averaged around a few hundred I believe in the working group data, thereby increasing demographic risks. We've also heard points regarding environmental outlook and the uncertainty there. In addition, when we are doing Endangered Species Act consultations, which is what we will have to judge any action here today as being consistent with. When we evaluate proposed actions, we have to give the benefit of the doubt to listed species. That

includes making any assumptions where there is uncertainty. California Department of Fish and Wildlife commented that the critical threshold would not be crossed until exploitation rates get above 17 percent, however, in our view the critical threshold is not a level we want to cross. Escapements declined again by about 100 fish between 15 and 17 percent, moving closer to that limit, and escapements over the last five years averaged less than the critical threshold, so that's another challenge to looking at further increasing the chances of lower escapements. The Joint State and Tribal report provided an overview of the substantive actions occurring in the Trinity Basin and as they noted there's a lot of good actions that are being taken by the states, by the tribes, even by federal agencies in the Trinity and Klamath Basins, but we do not know to what extent they will be effective in increasing productivity, and that's the issue here. Ecological systems are complicated, however, and what we think should happen doesn't always pan out, so we need some level of certainty in implementation and we need to show that projects are working or the technical analysis supports the probability of a positive change. We can't just say we think that it will be the case. And I recognize many of the actions in the report we received today are already in place and others may not be reasonably certain to improve productivity of SONCC coho to justify an increase. Also note that the information in the reports provided today and the responses to Council questions indicate that a number of the projects may take another 8 to 10 years to implement and benefits from many of the actions may not be realized for a decade or two. So, actions that NMFS might consider to mitigate increases in risk to listed species, they have to get over the bar of reasonably certain to occur, and that would mean detailed project descriptions, for example, commitments and identified resources for implementation, realistic and general timelines. You know, the actions cited here for improvements in infrastructure, for hatchery practices, supplementation, these are all intriguing but probably only the first two of the actions listed in that joint report seem like they're certain enough for us to consider in our evaluation of this action. So given all of these sets of circumstances, NMFS is just not comfortable with an exploitation rate of 17 percent as proposed by the co-managers. For all the reasons I just outlined we feel it's hard to justify that additional risk in the short term, especially when beneficial actions as presented may not be implemented for several years or the benefits occurring even longer than that. Thank you Mr. Vice Chair.

**Brad Pettinger** [00:16:52] Okay. Thank you Ryan. Further discussion? Okay I see Joe. Joe Oatman. Joe.

**Joe Oatman** [00:16:57] Yeah, thank you Mr. Vice Chair. And just want to provide perspective as the Council member representing the tribes. So, what the Council is probably not aware of is the amount of discussions that occurred since the November meeting. I think the tribes have certainly made it their priority to try and come up with something that they think can work for them, and they've made substantial ground I think, in not just in their discussions with NMFS, but also with CDF and W. I think in the short time, you know, since the start of the year, I think that the level of collaboration between the tribes and CDF and W as well as Oregon, but that the co-managers I think is very seriously and have been trying to find a path forward that works for them, you know, as laid out in the CDF and W and Tribal Reports 1 and 2. So I think that is something that the Council should be mindful of and that, you know, there has been some discussions and I think there has been some progress made with respect to a exploitation rate that could be higher than 15 percent. I don't think that the Council is aware of those particular conversations that have occurred here, you know, as of this week. And so, I just wanted to lay out I think for the Council, you know, that this is a opportune time to try and get something that we think will work for the people who really depend upon these fisheries, as well as for the resource itself. Thank you.

**Brad Pettinger** [00:19:29] Okay. Thank you Joe. Marci Yaremko. Marci.

**Marci Yaremko** [00:19:36] Yes, thank you Mr. Vice Chair. I'd just like to take a moment to

acknowledge Joe's remarks and CDFW agrees. The efforts of the Yurok Tribe and Hoopa Tribe along with CDFW staff from our inland fishery and habitat functions have really come together since November to develop the content and technical basis for the proposal. It's been quite a lot of work in a short amount of time. The compressed schedule of this agenda item and the scheduling of the emergency action really prompted us to get together quickly and make significant progress and outline our ongoing efforts over the decades and document them as well as we could in anticipation of the Council's decision today. I'd also like to thank National Marine Fisheries Service and Ryan and Susan and Jeremy in particular for the time spent engaging with the co-managers over the last several weeks. We've had a tough job to do, and I think we've all contributed earnestly to get us back here today. So, I think I'll save my other remarks for further on in the meeting, but I do appreciate the efforts that have been made and I certainly want to acknowledge the progress we've made on all fronts, so appreciate that. Thank you.

**Brad Pettinger** [00:21:33] Thank you Marci. Phil Anderson. Phil.

**Phil Anderson** [00:21:39] Yeah, thanks Mr. Vice Chair. And I would just first echo the remarks of Marci and Joe in terms of just congratulating the two tribes and the California Department of Fish and Wildlife and all the staff that have worked together since the November meeting. Regardless of the outcome I think of today's decision, there's a lot of good things that are happening that gives me some hope for this ESU to recover. You know, I just want to acknowledge at least my appreciation for all that good work because I know it's not easy, and folks sat down at the table maybe that hadn't sat across from each other for a while and all with the goal of trying to bring forward a suite, a recommendation, and probably more importantly, a number of actions identified to help these stocks. I am a bit fixated, frankly, on where we go from here. Thinking about what, you know, what might happen here. I, along with all of you, have heard I think loud and clear from National Marine Fisheries Service their perspective and where we need to be in terms of a harvest control rule. I think the fact that we would be doing this as a, I think as an FMP gives us some flexibility to make changes into the future in the future as things change, and if some of these actions produce the type of positive results that are hoped that it will better position us to be able to react to that in a positive way in the future. But what if we, what if we fail, meaning that what if we put a motion forward, we approve the motion, and it deviates from the kind of the sideboards that NMFS has said would lead to their ability or willingness to ultimately approve our action? So I'd like to, I probably would turn back to Ryan and maybe ask him to respond to that question, which is if the action the Council took was disapproved, there's certainly the potential, I think, for sending it back to the Council again, I think, but where does that leave us for 2022, or is that leave us essentially in a place where this, that is represented in your second alternative in terms of leaving this with the current conservation objective of 13 percent and what falls out of that? What I am concerned about as I'm sure others are, is that we take an action, it isn't approved and we, either one, we don't end up with any coverage for our fisheries that interact with this stock or under the Endangered Species Act or number two, we end up in a worse place than what NMFS has indicated is an acceptable upper limit of the 15 percent. So, I want to make sure where when we make our decision, we've got our eyes wide open as to what the consequences are if we aren't successful, and NMFS doesn't approve the action. So, Mr. Vice Chair, I think I'll stop there because that is my primary, kind of my focus right now is what are our options here? What are the consequences of failing in terms of taking an action that's approved by NMFS? I also understand and I just, I don't know if somebody else is going to put this out there, but I also understand there has been some discussion about the 17 percent and perhaps versus the 15 for the Trinity and those three stocks and that there might be some middle ground there that that would be found to be an acceptable rate. So, thanks Mr. Vice Chair and hopefully I can get some clarity from Ryan or others on those concerns.

**Brad Pettinger** [00:26:59] Thank you Phil and Ryan's hand's up and hopefully he can provide that... so Ryan.



**Ryan Wulff** [00:27:03] Yeah, thank you. Through the Vice Chair thank you, Phil, for the questions and the comments. So, to your process question, right? If something was adopted here, I guess it's really the same, if either nothing is, no new harvest control rule is adopted or if one is adopted that NMFS cannot approve, we would be under the second scenario in our proposal. We would thus be, we've already reinitiated consultation. We will have a new buy-op either way by March meeting so for 2022 we would be consulting on the existing control rule, which is effectively 22 percent total exploitation rate as it's laid out in the NMFS report. Regarding a new control rule that is adopted, I think NMFS has been on the range that you discuss. We've been quite clear of the comfortability we have with 15 percent and with Harvest Control Rule 5 from the Working Group Risk Assessment for all the points that I have laid out... that that would be something for a number of those reasons we of course, being pre-decisional, things that we could approve and support. You're right, and I do want to also acknowledge all of the earlier comments. I really appreciate and echo the collaboration and at least coordination and discussions that have happened over the short period of time between the November meeting and this meeting between all the co-managers amongst themselves with NMFS, as a group I think all of the reports and the information we heard today, you know, while I explain the challenges of incorporating those from an ESA consultation perspective, I don't want that to be perceived that NMFS is not supportive of the effort, the initiatives, and the intent and the actions that have been described. And like I said in my comments, I do think there are some of those that we feel, especially with the information provided, that could be considered reasonably certain to occur and therefore incorporated in the consultation. So therefore, those actions that we can incorporate in combination with the comprehensive framework and the collaborative co-managers planning that Joe referred to, that they might allow for a small incremental increase in risk over 15 percent, but I think I was clear in my other remarks that it would not be as much as the co-managers are proposing all the way to 17 percent. So, I hope that answers your question.

**Brad Pettinger** [00:29:55] Okay. Thank you Ryan. Further discussion? Pete Hassemer. Pete.

**Pete Hassemer** [00:30:00] Thanks Mr. Vice Chair. And maybe I'll start off by saying I'll just jump on the coattails of Phil there in recognizing the effort, the collaborative efforts, discussion, and all the efforts going on in the basin to improve the status of SONCC coho and specifically the Trinity stocks there. And I did have similar questions regarding pathways as to what Phil had just asked. Maybe a follow-up to that is that one possible scenario and it's probably what you laid out Ryan is, and this I think culminates in a question for Ryan here, is that under the NMFS pathway one, if analysis hasn't been done yet, but if the Council action were a total exploitation rate of 15 percent and NMFS went through, and assuming there would be a no jeopardy decision on that, and there would be a buy-op to cover the fishery, but as Ryan was explaining under scenario two, if the, if there's no recommendation to the Council then they just reinitiate consultation on the existing, which is the 22 percent total exploitation rate, or if the Council recommendation, what I'm hearing is 17 percent, where the question is, is if NMFS gets to a jeopardy determination when they're consulting on the buy-op that results from whatever harvest rate is proposed, if there's a jeopardy determination, I would assume there would be some reasonable and prudent alternatives incorporated in there, and a question then is over the long term, considering the management flexibility of the Council in the long term, how does a jeopardy determination and management under a buy-op with reasonable and prudent alternatives affect the Council's ability to make management decisions specifically on the ocean fishery part, but does that impact the Council's ability to manage or is it more ESA driven because of the listing status and the consultation that the management comes down to between NMFS and the co-managers in this case? I hope that makes sense. But I am asking that question, Ryan, of what the impacts are to the Council's management abilities in the short term and in the longer term if a jeopardy decision is made?

**Brad Pettinger** [00:33:13] Yeah, Ryan, if you could?

**Ryan Wulff** [00:33:13] Yeah, thanks Pete for the question. And if I'm not getting this correctly or maybe General Counsel can help me out here, but I think what would happen, and I probably should've clarified this, is if either way if there was no in scenario two or if we disapproved and you resulted in a biological opinion that concluded jeopardy, you're right... we would have a reasonable and prudent alternative that the Council would have to manage to implement in 2022. So it would not only have a short term impact, but also long term unless, you know, the Council would then potentially need to address that, either manage to the RPA or take up future agenda items I would imagine to come up with a new action that is consistent or that is consistent with ESA, and then we would analyze any new action, just like we would any potential new action that we're discussing here. So that's at least my general understanding of what would happen in the case of a jeopardy biological opinion. And I hope that gets to your question and maybe Sheila has something to add.

**Brad Pettinger** [00:34:36] I don't see Sheila's hand. Oh, Sheila.

**Sheila Lynch** [00:34:43] Thank you Mr. Vice Chair. Can you hear me, okay?

**Brad Pettinger** [00:34:45] Oh we can.

**Sheila Lynch** [00:34:48] Great. Maybe to add a bit to what Mr. Wulff just said. Yes, I mean assuming that NMFS did issue a jeopardy buy-off with a reasonable and prudent alternative, the Council's would need to design its fisheries to comply with that reasonable and prudent alternative in order to have the annual management measures approved and implemented by NMFS. Those management measures would need to be consistent with the ESA and specifically with the RPA.

**Brad Pettinger** [00:35:30] Okay. Thank you Sheila. Chris Kern. Chris.

**Chris Kern** [00:35:38] Thanks Mr. Vice Chair. Just to follow-up on some of the discussions. I, and I'll echo the thanks and recognition of effort that the co-managers have put in on these discussions over the last month or more. And it's been, I know it's been a lot of work done in a quick, quick fashion, and it's good work, as well as recognizing all the efforts being made in the basin. Particularly, we've been talking about the Trinity, and the document really did a good job of, you know, highlighting a lot of those and we had some discussion earlier that did the same. I am in a bit of a fix, you know, mentally here over this because of while I am trying to really be cognizant of a need for supporting the fishery needs, in particular the tribal fishery aspect of it, I also have the same kinds of concerns that I heard reiterated a couple of times already in terms of what happens depending on our action here or lack of action either way, and I don't have a great answer for it, but I, you know, I have some concerns about where we end up down the road here, depending on our decision today... that that I'm still in my head trying to resolve and I won't reiterate them because I think Phil did a better job than I probably can, but they're very much in line with what I heard from Mr. Anderson. So, I'll leave it at that for now. Thanks.

**Brad Pettinger** [00:37:10] Thank you Chris. Further discussions? Virgil Moore. Virgil.

**Virgil Moore** [00:37:25] Thank you Mr. Chair. I'm concerned with what I've heard NMFS say, Ryan. Say that we're going to end up in a situation if we take action that's been recommended to us from the co-managers, NMFS going to get hauled into court and then we're going to be in a situation where using what we already have heard NMFS say against what we've got, we're going to ask a judge to decide this. I'm very concerned about not taking the more conservative approach that NMFS recommends to avoid our management getting hauled into court. I guess, Ryan, I would ask you for your thoughts on whether or not this is going to result in legal action that could further constrain us. Thanks.

**Brad Pettinger** [00:38:21] Ryan, do you want to comment on that?

**Ryan Wulff** [00:38:24] Yeah, thank you Mr. Vice Chair, and thanks for Virgil for a question. Yes, I feel like my daily job is looking at mitigation risk on every action, but on this one in particular I do think that is a factor to consider. There are a number of actions NMFS is requiring on a number of other stakeholders and in the region. It is very possible that litigation could come from those angles if they feel appropriate actions have not been taken on the fisheries side, so I do think there is potential litigation risk.

**Brad Pettinger** [00:39:05] Okay. Thank you Ryan. Pete Hassemer. Pete.

**Pete Hassemer** [00:39:08] Thanks Mr. Chair. I did have one more question. And again, this is for NMFS and maybe General Counsel if they could address it. Because of my unfamiliarity of application of some of the national standards here, I just want to understand relative to any decision we might make that it is consistent with that, and I was looking at National Standard 3, Management Units, which the short part of that is to the extent practicable an individual stock of fish shall be managed as a unit throughout its range. So is, does that apply in this situation because in, I think it was the joint report or maybe a couple of the reports, the request was for an exception to allow a different harvest rate for the Trinity stocks, so asking for an exception is a deviation from some rule or principle there, and in this case before I were to vote on something that allowed a different harvest rate for one stock versus the rest of the complex there, that NMFS is comfortable that, yes, this fits within the guidelines of National Standard 3, if that applies in this case and it would be, it would be something reasonable for the Council to recommend different harvest rates for two groups of the unit there. So, thank you.

**Brad Pettinger** [00:40:59] Okay Pete. Thank you for that. And Ryan.

**Ryan Wulff** [00:41:00] Yeah, thank you Mr. Vice Chair. Thanks, Pete, for your question. I mean, yes, the action has to follow national standards, you know, but there's a basis for doing something different for the Trinity. I mean I think from, if I get your question correctly, I mean at least my initial read from a Magnuson perspective, if the rationale for two separate ones, especially if both ER's are already covered in a working group assessment, that that probably would be okay from a Magnuson action perspective, but keep in mind a lot of NMFS concerns that we've raised is whether or not we can approve this not just based as a Magnuson action and the national standards, but whether it is consistent with other applicable laws and the ESA. And if we don't feel it will be supported through an ESA consultation or we'll end up jeopardizing the existence of species, that would be not consistent with other applicable laws, even if it was consistent as a Magnuson action. And I'll stop there unless General Counsel wants to add or correct. So that's my understanding.

**Brad Pettinger** [00:42:19] Okay, thanks Ryan. Okay. Marci Yaremko. Marci.

**Marci Yaremko** [00:42:30] Yes, thank you Mr. Vice Chair. I was just asking if we might be able to take a brief break before we move on to motions. So, whenever that time is right, it would be great. Thank you.

**Brad Pettinger** [00:42:43] Sounds like a great idea and if I don't see any hands, is there a time frame that you would like to maybe have that break for?

**Marci Yaremko** [00:42:56] I'd appreciate 15 minutes if that'd be possible?

**Brad Pettinger** [00:42:59] Okay, well, if I don't see any hands I think we will go to break. And we will give you 15 minutes and we'll come back at eleven o'clock. How's that sound?

**Brad Pettinger** [00:00:00] Welcome back everyone. It's eleven o'clock and had a 15-minute break here

so hopefully some resolution is coming forthwith and with that I'll open the floor for discussion. Or do we need more time? Joe Oatman. Joe.

**Joe Oatman** [00:00:40] Thank you Mr. Vice Chair. As I mentioned previously, we do have a tribal motion that I'd like to put before the Council.

**Brad Pettinger** [00:00:48] Okay. Okay Joe, please.

**Joe Oatman** [00:01:03] Thank you Mr. Vice Chair and Council.....(garbled)..... I move that the Council adopt as the final preferred alternative SONCC coho salmon harvest control rules for amendment of the Pacific Coast Salmon Fishery Management Plan. Establish a conservation objective that would represent each individual population within the SONCC coho salmon ESU except for the Trinity River population unit, parenthetical, (Upper Trinity River, Lower Trinity River, South Fork Trinity River) as described for Harvest Control Rule 5 in the ad hoc Southern Oregon Northern California Coho Workgroup Risk Assessment for management of SONCC coho salmon. Reference here the Agenda Item F.3.a, SONCC Workgroup Report 1, November PFMC. Harvest Control Rule 5 represents a total fisheries exploitation rate, or ER, limit of 15 percent. Establish a conservation objective for the Trinity River coho salmon population unit as described for Harvest Control Rule 6 in the Workgroup's Risk Assessment. Harvest Control Rule 6 represents a total fishery ER limit of 16 percent. Both harvest control rules encompass all ocean and inland sources of fishery mortality, including landed and non-landed mortality of age 3 adult SONCC coho salmon in any individual year. Further, during its annual salmon preseason planning process, the Council would plan ocean fisheries using the coho Fishery Regulation Assessment Model, or FRAM, so that when combined with freshwater ERs, the preseason projected total ER does not exceed the applicable harvest control rule described previously in this motion. The in-river ER population unit specific inputs will be determined using projections provided by co-managing agencies. Postseason exploitation rates for SONCC coho salmon would be estimated for each year once available postseason harvest and abundance estimates become available. Coho directed fisheries and coho retention in chinook directed fisheries will remain prohibited in the Exclusive Economic Zone off California.

**Brad Pettinger** [00:03:49] Okay, thank you Joe. Does the language on the screen accurately reflect your motion?

**Joe Oatman** [00:03:56] It does Mr. Vice Chair.

**Brad Pettinger** [00:03:57] Very good. Seconded by Marci Yaremko I believe. Thank you Marci. Okay, Joe, do you want to speak to your motion?

**Joe Oatman** [00:04:07] Yes, thank you Mr. Vice Chair and thank you Marci for the second. The co-managers greatly appreciate the discussions that took place with NMFS at the November meeting to try and arrive at a motion that we all could support. This has been a collaborative effort on trying to craft a motion leading up to today's meeting. We acknowledge in recent discussions a NMFS proposal and support for an approach of adopting a 15 percent total ER for all SONCC populations, with the exception of the Trinity population for a total ER of 16 percent. The Trinity River stock typically receives more harvest impacts than the rest of the SONCC coho salmon ESU populations owing to its more interior location and the sequence of ocean and in-river fisheries both tribal and non-tribal. The diversity of fisheries impacts in the Trinity stock require additional flexibility in a harvest control rule to ensure the needs of the fishers who are dependent on them are met. Developing a one size fits all ESU-wide impact rate based primarily upon the Trinity River noted only three of the four, forty SONCC populations may not be appropriate, especially given its extremely low productivity and high catch rate influence. The Workgroup found that the exploitation rates below 20 percent on Trinity River SONCC

coho are not likely to push the population below their critical risk threshold, as was shown in NMFS's presentation at the September PFMC meeting. The increase in extinction risk on a 20-year horizon from a 15 percent ER to a 17 percent ER is only 2.5 percent. From a 16 percent to 17 percent, it is only a zero point nine percent. The Workgroup found that the Trinity River population target has one of the highest capacities among the SONCC coho salmon populations that were assessed in the risk assessment. That capacity being equal to over 3,000 fish, meaning that incremental improvements in productivity should yield immediate gains in population viability. And as noted today, co-managers are working on a broad suite of ongoing and new recovery actions specifically designed to increase productivity of natural origin Trinity River SONCC coho salmon. The Trinity River Restoration Program has completed 34 large scale restoration projects on the main stem Trinity since 2005, as well as provided by 500,000 annually since 2012 for tributary restoration projects and is committed to continuing this work for the foreseeable future. The Trinity River hatchery having approved Hatchery Genetics Management Plan, or HGMP, which aim to reduce the negative impacts of a hatchery program and to bolster the productivity of the natural population. The Hoopa Valley tribe has an improved HGMP to operate a conservation hatchery intended to jumpstart naturally reproducing populations within the Hoopa Valley Reservation by feeding tributaries with artificially propagated juvenile coho. The Hoopa Valley tribe operates a selective harvest weir with the intended purpose of removing surplus Trinity River hatchery Oregon coho from the Trinity River so that fewer hatchery strays line up on natural spawning grounds. The Yurok Tribe in association with CDF and W has been planting carcasses collected from the Trinity River hatchery spawning activities into tributaries with the natural returns to increase the distribution of marine derived nutrients throughout the Trinity Basin. CDFW and the tribes have enacted numerous fisheries regulations and management actions aimed at reducing the take of SONCC coho in their fisheries, including non-retention in sport and commercial fisheries, partial weekly closures of tribal net fisheries and reduction of take limits of non-native species. CDF and W and the tribes are committed to numerous research and monitoring projects aimed at understanding SONCC coho salmon population dynamics and ecological interactions. CDF and W and tribes are committed to working together to implement additional monitoring and conservation action in the future with the aim of broadening our understanding of SONCC coho salmon and increasing natural production throughout the Trinity River and beyond. CDF and W and tribes supports an appropriate time in the future, a review of these efforts, and whether they are improving the productivity of these fish in combination with the outcomes of the exploitation rates for the SONCC and Trinity population aggregate, and to consider any potential changes that may be necessary as a result of this review. Next, it is important to address all relevant other applicable law, which includes federally recognized fishing rights of the two California tribes affected by this motion, the Yurok and Hoopa Valley tribes. These tribes have emphasized to the Council the importance of coho salmon to their fisheries, culture, and livelihoods and have restricted their harvest for many years to protect and conserve these fish. Neither tribe has expressed a desire to fish these fish to extinction. There's simply no cultural or spiritual teaching or practice that would permit them to do such a thing. It's important for this Council to harmonize their MSA requirements with federally recognized fishing rights, recognizing that even these total exploitation rates do not fully meet the needs of the tribes. This motion would accomplish that and to do so in a way that does not appreciably increase risk of extinction while also providing the necessary flexibility for tribal and state fisheries for SONCC coho salmon. Lastly, it is our expectation that the Council will transmit this hybrid harvest control rule as an amendment to the salmon FMAP to NMFS for consideration. As noted by NMFS in their path forward, the NMFS Report 1, Agenda Item B.1.a. Assuming the new action is sufficiently clear and supported by sufficient analysis, NMFS would consider whether to approve, disapprove, or partially approve the FMAP amendment with the new harvest control rule and evaluate the action for compliance with MSA and other applicable law. With that Mr. Vice Chair that concludes my points in support of this motion.

**Brad Pettinger** [00:11:21] Okay. Thank you Joe. Questions for Joe or discussion on the motion? Ryan Wulff. Ryan.

**Ryan Wulff** [00:11:32] I don't have any questions, but I did want to thank Joe for the motion. I want to begin by expressing my sincere appreciation for the collaboration over the last couple of years on this issue, at least from.....since I've been part of this process, this has been one of, if not the most challenging salmon task the Council may have undertaken, which is saying a lot, and I thoroughly appreciate all of those discussions and the sincere efforts that have been made along the way here. I also appreciate all of the rationale that Joe just gave to support this motion and also what was in the reports that were provided today, providing an overview of all the substantive actions occurring in the Trinity Basin, and as I noted earlier, NMFS does feel with those actions, at least the ones we can incorporate at this point from a consultation perspective, in combination with this comprehensive framework and the collaborative co-managers planning that has been discussed that it very well would allow for this small incremental increase in risk as this motion has. As I indicated in my earlier remarks, for us to do that, incorporate that in the consultation and to get there, we will need some additional information on the actions in the watershed to support to make sure that we've got what we need to document them and to incorporate the short as well as long term benefits. And I want to say, though, that I think what has been presented here, discussed here, explained here will be significant in what we can use to help support this and we can work with the co-managers in the short time we have to complete this buy-op to get any of the rest of the information that we need. So, because of that I just wanted to add my NMFS support to this motion. I will be supporting it and I also wanted to note, you know, I know the SAS talked about reviewing this periodically. I see this, this action and this motion approved by NMFS and we get more information in the future, whether it directly supports revisiting this harvest control rule or gives us more certainty on some of these other actions to support any future consultation on a new action that NMFS of course stands ready to be a part of those discussions to facilitate in whatever way we can to help any additional discussions that might happen in the future. So again, I just wanted to thank Joe for the motion. I wanted to express that I do think this is a proposal that NMFS can support. Thank you.

**Brad Pettinger** [00:14:49] Thank you Ryan. Marci.

**Marci Yaremko** [00:14:52] Yeah, thank you Mr. Vice Chair. Just like to add a few additional comments to those made by Joe earlier. I want to say what a major step forward this motion is compared to the motion that we've now rescinded from the November action. We certainly have taken to heart the comments provided by NMFS in their report about the deficiencies of the November motion. Just wanted to note that the policy and legal concerns that they've identified that the prior motion was not within the range of alternatives, we believe this motion today certainly achieves that standard and is squarely within the alternatives that were assessed by the Workgroup and also want to speak to that concern number three with regard to an implied allocation. This new proposal does not speak in any way to harvest sharing or allocation either directly or indirectly and is clearly supported jointly by the California co-managers. The motion also directly addresses the implementation concerns that NMFS described in its report. It clearly defines the harvest impact limits and that they'll be assessed on a preseason basis each year utilizing coho FRAM without any deviations. For example, in one of four years there's no mixing or matching of pre and postseason estimate of impacts and nor does it speak to only an ocean subcomponent. So, in short, we believe this motion that we've jointly crafted addresses all of the deficiencies that NMFS had identified in its report and further satisfies the terms of reference for this HCR and workgroup process that we've undertaken over the past 18 months. Just also like to say that it's better. We've had, you know, we've had time since November to work through it together with NMFS and the co-managers, and I believe that that time was well-spent. I realize it's kind of an extension of the 18-month timeline that we had previously identified that would apply. And I also acknowledge that an action here in January does really put NMFS in a tight spot with regard to getting everything completed in time for our preseason activities that will commence here very, very shortly. So, I know we're all in this together and we all now are going to be quickly turning to our preseason activities, but just want to acknowledge that this request for an emergency meeting and a

reconsideration, I think, was time well-spent and we've made tons of progress in this time. Also want to highlight a few things about the technical basis for the two-tier motion that recognizes the uniqueness of the Trinity River population, along with the ongoing efforts within the basin aimed at boosting the productivity and capacity for these fish within the larger ESU context. And as the second joint report highlights, a number of these actions are reasonably certain to occur and so we really do appreciate NMFS's acknowledgment of the efforts that we've made to put forward the concept here in writing for consideration. I think we all collectively recognize that the populations on the Trinity are in need of help and these actions are aimed at getting that help as soon as we can, and that much of the work has happened in the recent decade and therefore may not be well captured in the data that the Workgroup had at its disposal for conducting the risk assessment. Just want to acknowledge, I note Ryan's comments just a few moments ago about NMFS's willingness to consider revisions in the future as new data become available and certainly we will continue our work with the co-managers on the sidelines and when the time is right, you know, we'll take you up on that offer and we will, I think, be paying close attention to the progress as new data becomes available. Just also wanted to touch on the other arrangements that co-managers will be making into the future with regard to working under a total exploitation rate that combines both inland and ocean components under a single total harvest control rule. This certainly is a change to how we've managed SONCC coho moving from an ocean only exploitation rate to a combined ocean and inland ER that does, I think, better meet the requirements of ESA in considering comprehensively the mortality on the SONCC coho populations. Noting that it is such a change from where we are today on a number of fronts, you know, it will necessitate that the co-managers work together on harvest sharing, which is something that we haven't discussed yet much around the Council table, but I just want to express our agency's commitment to that process and to working together with the co-managers on sharing arrangements, and some of those discussions will certainly be commencing here pretty quickly in light of the new guidance we expect to receive for March. Appreciate the co-managers willingness in making that new element of work a success, coupled with the other commitments we've made on the Trinity Basin toward restoration, enhancement, and mitigation of hatchery effects and as we enter this new era of management on SONCC coho, we're just appreciative of the flexibility afforded here for the Trinity populations as we begin those discussions on harvest sharing. Just the final thing I'll offer is that beyond adopting the motion today, we do still have work to do, and we expect more challenges to arise as we work toward implementing the new HCR. I want to acknowledge the SAS's report and their concern with clarity on how the implementation will roll out. I think there are some questions yet that remain unanswered and, you know, time... time will tell how some of these things will work out but I think we all also collectively are committed to the technical work that lies ahead to make sure that our assessment tools are doing a good job. And so, I just want to lend my support for the motion and note that it is a major step forward in the right direction and there will be more to come. Thank you.

**Brad Pettinger** [00:23:49] Thank you Marci. Chris Kern. Chris.

**Chris Kern** [00:23:53] Thanks Mr. Vice Chair. Just following on some of these comments. First of all, I appreciate all the work and I recognize this is not, this motion doesn't reflect the initially preferred option by the co-managers, so I want to recognize that. I would have liked to have been able to support the direct request but based on the further discussion that I'm not going to rehash. That was hard for me to do, but I can absolutely get behind this one. It's something I can support and plan to support as well as committing that, you know, as we move forward, should this motion pass or an alternative motion pass, the need to coordinate is going to engage, going to need to engage Oregon and involve Oregon and we're committed to participating in that as well. I have a question while the motion is on the table because I have a possible point of discussion that I suspect is better suited to a follow-on action, but while this motion is on the table, I want to make sure, and that is regarding, well it's reflected in the SAS report and it's also something we've talked about with other control rule processes, and that's a review period. And so, I would just, I think first I'm leaning toward suggesting at some point that we

consider a review period, whether that be three years or five years. I think we used three for Lower Columbia coho, SAS suggested five, and so I think if somebody can just confirm to me that if we do not address that in this motion, which I am suggesting we don't do, that we don't lose an opportunity to potentially have that as guidance or a subsequent motion or something else. That's my expectation and I just don't want to lose the opportunity if it does in fact need to be part of the current motion. That's a question.

**Brad Pettinger** [00:25:47] Okay. Thanks Chris. I see Joe has his hand up behind you. Joe was that a response to Chris?

**Joe Oatman** [00:25:55] Yes it is.....

**Brad Pettinger** [00:25:56] Okay.

**Joe Oatman** [00:25:57] Vice Chair. Thank you for the question, Chris, regarding what we might do in the future. In my points I laid out regarding the rationale, rationale for support of this motion, I did mention that the CDFW and tribes work at an appropriate time in the future conducting such a review. Hope that addresses your question. I can go into more detail if you'd like.

**Brad Pettinger** [00:26:31] Okay. Thank you Joe. Chris.

**Chris Kern** [00:26:39] Yeah, Mr. Vice Chair. I appreciate that and I'm supportive of that as well. I'm not hearing anybody suggest that that component needs to be a part of this current motion, which is what I thought, and so unless somebody does think it needs to be discussed at the moment, I will hold on to that thought and we can follow it up afterwards. That's what I'm assuming.

**Brad Pettinger** [00:27:02] Okay. Thanks Chris. Further discussion? Okay. Well, if I don't see any hands, I'm going to call for the question. So, all those in favor signify by saying 'aye'.

**Council** [00:27:19] Aye.

**Brad Pettinger** [00:27:19] Opposed? Abstentions? Okay motion passes unanimously. Okay thank you Joe. Thank you Council members. And with that I think Chris brought up a point... Chair Gorelnik. Marc.

**Marc Gorelnik** [00:27:40] Thanks very much. I apologize for the noise in the background. I just want to make the point that there are a lot of stressors on this population and with fisheries being in general the least significant one. And I would encourage NMFS to, and I know there are some efforts but, you know, I think by getting... we can only do so much on the fishery given our relatively minor role and I certainly hope that the National Marine Fisheries Service will push on the primary stressors with as much determination as we've had here, but I am glad that we have a solution that has been unanimously supported and we will go forward. I will have a motion, a further motion, but I have not yet sent it on to the Council office so or maybe there will be a motion coming from NMFS on this that having to do with consideration of future modeling.

**Brad Pettinger** [00:29:15] Okay. Thank you Marc. Okay. Chris Kern. Chris.

**Chris Kern** [00:29:22] Thanks Mr. Vice Chair. Just following up on my comments a bit ago, because I think there may be something pending that this could fit into conveniently so if I might just offer a few thoughts on the review process. Part of the reason I wanted to bring it up, which is probably obvious, we've talked a fair bit about the actions already being undertaken and what their future fruit



will bear, so to speak, and that among other things, model uncertainty and a whole host of other things to me provide some good reason to have a expectation, whether that's in the form of a guidance or something, that there'll be a check-back on this issue, which we have done in other harvest control rules. I think on the Lower Columbia coho we did it on a three-year basis if I'm not mistaken, which happens to match the life cycle. I'm neutral on whether it's three, four, five or something, but I see value in keeping it fresh, given the sensitivity and discussion we've had over some of those things, whether that be the population response or the modeling issues that have been discussed. So, I'd be supportive of inserting that somewhere and if somebody is working on a motion that would... or guidance that would conveniently host that and I'd welcome any discussion on it if others feel differently, but just wanted to get that on the table.

**Brad Pettinger** [00:30:43] Okay thank you Chris. I see Marc... you still have your hand up? Okay Ryan.

**Ryan Wulff** [00:30:54] Yeah, thank you Mr. Vice Chair. And so, I do have a motion. I did want to come back to some potential direction to the STT. We talked about that at the very beginning a little bit. We also had some discussions with this amongst co-managers over the past few months and also follows up on the working group, which ended as we know recently. So perhaps considering it sounds like there are some other actions in direction here that might be relevant or at least similar under this other additional requests vein maybe I could throw out the motion and see if others want to add to it or augment.

**Brad Pettinger** [00:31:38] I think that sounds like a wonderful idea so please.

**Ryan Wulff** [00:31:42] Sandra, I think you have version 2? Okay. I move that the Council direct the Salmon Technical Team (SST), working with the Model Evaluation Workgroup (MEW), to generate a report on the work required to investigate the potential for improvements to forecasts of SONCC coho salmon ocean exploitation rates consistent with the recommendation of the SONCC Coho Workgroup, (Workgroup) in Section 8 of its risk assessment, and present its report and findings to the Council at the September 2022 Council meeting. An evaluation of the work required to assess potential bias in preseason versus postseason exploitation rates should also be included in the STT report. To be clear in its report, excuse me, in this report, let me just read the motion, the Workgroup recommended that, and I quote "Investigation be conducted to determine if the methods used to forecast ocean fishery exploitation rates for both hatchery and naturally produced SONCC coho salmon could be improved upon. This investigation should initially be focused on analyses that can be conducted using existing data. The investigation should also identify whether new methods could improve the forecasts of marine exploitation rates on SONCC coho salmon if additional data were available, for example GSI or CWT's and adipose fin clips on all hatchery fish" unquote. The request is for the STT to address the work and estimate the time required to complete the investigation recommended by the Workgroup, not to conduct the work itself. After this assessment is completed, the Council would then consider the STT report to determine further action.

**Brad Pettinger** [00:33:43] Thank you Ryan. Does the language on the screen accurately reflect your motion?

**Ryan Wulff** [00:33:47] Yes it does.

**Brad Pettinger** [00:33:48] Okay. First. Looking for a second. Seconded by Marci Yaremko. Thank you Marci. Ryan please speak to your motion.

**Ryan Wulff** [00:34:01] Yeah, thank you. So, both the SONCC Coho Workgroup and the co-managers

have expressed interest in this work through the Final Risk Assessment Report, Council discussion in November and today, and as also reflected in the Supplemental CDFW report in the briefing book for this meeting. NMFS always supports work that would improve our management tools and would increase the accuracy of Council salmon management and so we feel this task is consistent with the concerns raised and the goal of improving management. Did want to note however, of course Council and agency resources are limited. There's a lot of competing priorities for our advisory bodies as well as ourselves, so it's important to understand what the work entails and to direct the work in the most efficient manner that achieves it. So, what we are limiting our task here or the task here is to scope the work and time commitment to complete this investigation, not endorsing diving in and doing all of that work right now. But once we see that after the assessment is completed, the Council could then consider this report to determine further action. And this is very similar to what we did after adopting the Sacramento River Fall chinook rebuilding plan to address the conservation recommendations in that plan in that objective and that habitat actions. Thank you.

**Brad Pettinger** [00:35:20] Okay. Thank you Ryan. Questions for Ryan? Or discussion on the motion? Marc Gorelnik. Marc.

**Marc Gorelnik** [00:35:30] Thank you very much Vice Chair Pettinger. Ryan thanks for the motion. I think it's a terrific motion, but I do have a question. Given that this initial exercise is rather preliminary and may or may not highlight a considerable additional work to be done. Is there a reason you chose September? You know, eight months from now as opposed to maybe a June meeting?

**Brad Pettinger** [00:36:08] Ryan.

**Ryan Wulff** [00:36:09] Yep. Thanks Mr. Vice Chair. Thanks, Marc, for the question. It's a good question. We'd actually originally discussed June I think with some of our folks, but based on some feedback they thought September might be a little bit more reasonable with everything going on. I'm very open. You know, Council members have a different feel. It wasn't to try and delay things. It was trying to take into account all the various additional work that was going on, which based on those discussions, thought that September might be the at least most practical month for it, for the report to come.

**Brad Pettinger** [00:36:50] Okay. Thanks Ryan. Marci.

**Marci Yaremko** [00:36:54] Yeah thank you Mr. Vice Chair. Thank you, Ryan, for the motion and thank you for that exchange just a minute ago with Mr. Gorelnik. And I'll just shed a little more light on that. CDFW supports the timeline that the motion lays out with regard to the findings coming to the Council in September. We too had originally considered June and kind of looking at our STT work plate and thinking about the need to have documents prepared in advance of the June meeting and the expected fishery season openers likely to occur in May, we just appreciate the additional breathing room over the summer to be able to kind of wrap our heads around this new task and noting too I want to express appreciation for the way this motion is phrased and the task that's being given to the STT, which is simply to assess the work that would be required and so, you know, it's not doing the work, it's just evaluating the work, so I think that offers enough latitude here to kind of explore what might be done, what it would take and report back to the Council. But I do want to speak to kind of the bigger, the bigger need here and want to support the motion just on its face for what it's doing. We have concerns with how coho FRAM estimates impacts on our California chinook-only fisheries. The models are designed for fisheries that maybe are not California-centric. It is the tool we have. It's clearly the one that we'll be using with regard to evaluating our preseason projected impacts on SONCC coho. At this point in time there is no other tool but, you know we do have concerns from California about how well the model works with regard to estimating impacts on SONCC coho in California's chinook

fisheries, acknowledging that we have no allowed retention of coho in California's ocean or inland fisheries. So we had the Workgroup take a look at this question back in September and brought us some additional information on the, the areas that are most impacted by the projected impacts and clearly the California KMZ is one area where the impacts are projected to be highest and these are in chinook-only fisheries so, you know, we are sensitive to what the model is suggesting and we certainly have an interest in making sure that this tool effectively evaluates the impacts of our fisheries on the SONCC coho populations. So, we support this exercise. We're looking forward to digging into coho FRAM and also digging into other sources of data that might be available that we've outlined in the CDFW report. So, we appreciate the opportunity and the Council's support for this investigation, but like Ryan I think we're cognizant of the amount of work on the STT's plate and the competing priorities as well as the staff turnover that has occurred on the STT. So, with that support the motion. Thank you.

**Brad Pettinger** [00:41:25] Thank you Marci. Chris.

**Chris Kern** [00:41:28] Thanks Mr. Vice Chair. I'll be brief because I'm just going to indicate I support the motion. And relative to the modeling and other issues, I'll just add that I support that and that the sort of general discussion of the integration of different models across our suite of fisheries is a, sort of an ongoing discussion that's been occurred and comes in fits and starts maybe, but this is another piece of evidence where we should be paying attention to that and I'm supportive of it so thank you.

**Brad Pettinger** [00:41:56] Okay. Thanks Chris. Further discussion? Not seeing any hands, I will call the question. All those in favor signify by saying 'aye'.

**Council** [00:42:13] Aye.

**Brad Pettinger** [00:42:13] Opposed? Abstentions? Motion passes unanimously. Okay, thank you all. With that I think I may turn to Robin and asked her how we're doing on this, Robin.

**Robin Ehlke** [00:42:34] Thank you Mr. Vice Chair. I'm happy to say that it's before noon and we've made so much progress today. I have a big smile on my face. I do have one question and I haven't heard any discussion about a FMP amendment, so I just wanted to make sure that the motion provided by Joe Oatman regarding the harvest control rules was essentially for amendment to the FMP and that Council staff and the Executive Director can work with NMFS on how to draft that language and transmit it to the.....and transmit it to NMFS, so I just wanted to check that box before we walked away today and make sure that we're all on the same page. That's one question I have. I see Ryan has his hand up.

**Brad Pettinger** [00:43:28] Ryan.

**Ryan Wulff** [00:43:28] Yeah, I just wanted to confirm that it was in the first line of the motion specifically calling out an amendment, so that is correct.

**Robin Ehlke** [00:43:39] Thank you. Thank you very much. I appreciate that confirmation and forgive my oversight. Okay, so with that then, yes, we've completed our work under this agenda item. First, the Council has adopted for a recommendation to NMFS a harvest control rule, which would be number 5, which is a 15 percent total exploitation rate for SONCC coho stocks except Harvest Control Rule 6, which is a 16 percent total exploitation rate, is adopted for the Trinity population units and within that realm, all the preseason planning to structure the fisheries the Council will use the coho FRAM and the freshwater inputs will come from the co-managers. In postseason, the exploitation rates will be estimated annually once the data is available. In addition, the second motion asked that the STT work with the MEW to scope out how much work and time might be needed to investigate a potential improvement to the SONCC coho exploitation rate forecasts, and that would be consistent with the

recommendation provided by the Workgroup in the risk analysis and that that scoping document would be due by September 2022, which I also assume the STT appreciates that September date. So that concludes the action under this agenda item. If I could go as far as to say one more thing if you'll allow me Mr. Vice Chair?

**Brad Pettinger** [00:45:25] Please.

**Robin Ehlke** [00:45:25] I just wanted to touch base a bit on the vacancies in the STT and the Model Evaluation Workgroup. I'll certainly acknowledge that a lot of the positions are being filled by very competent employees provided by the states and the tribes but to become a, I guess you'd say an official member for the STT and I believe for the MEW as well, there is a process that the Council has to go to to appoint those members. So, as we approach the March meeting, I just wanted to put the bug in the ear if the agencies are able that it would be beneficial to try to get that work done. I understand staffing and turnover, but I did want to at least let the, remind the Council folks that the processes, it takes more than one Council meeting to get people on officially. We have to go through the SSC for review and all of that so that was my last comment Mr. Vice Chair but with that I do thank the Council for the extra hard work under this agenda item. Thank you.

**Brad Pettinger** [00:46:56] Okay, thank you Robin. I made a note here that I was curious if there was going to be any more motions about a co-manager.....a motion for about co-manager preseason negotiations? Are we good there too or do we need to do anything on that? I'm not seeing any hands so ... okay. Well, with that I'm going to turn the gavel back to our distinguished Chairman. Chair Gorelnik.

**Marc Gorelnik** [00:47:30] Thanks very much Vice Chair Pettinger for ably navigating that agenda item in this emergency Council meeting. Before I entertain a motion to adjourn, I just want to see if there is anything further from the floor or from Council staff? And not seeing any hands, I will entertain a motion to adjourn. Virgil Moore.

**Virgil Moore** [00:48:09] Oops! Motion to adjourn, please.

**Marc Gorelnik** [00:48:12] All right, seconded by Pete Hassemer. Not seeing any discussion all those in favor say 'aye'.

**Council** [00:48:17] Aye.

**Marc Gorelnik** [00:48:18] Any opposed? Abstentions? All right we are adjourned. Thank you very much. We've completed our January emergency meeting and thanks to all, not just the Council members, to all the staff for the agencies as well as Council staff for making this emergency meeting happen. Thank you.

**Virgil Moore** [00:48:41] Thank you.

**Joe Oatman** [00:48:41] Thank you.